
MONDAY, MAY 11, 2009

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Lauman, Commissioners Brenneman and Dupont, and Clerk Robinson were present.

Chairman Lauman opened public comment on matters within the Commissions' Jurisdiction, no one present to speak, Chairman Lauman closed the public comment period.

MEETING W/ DAVE PRUNTY & GUY FOY, ROAD DEPT RE: TERRACE HILL ROAD ENGINEERING DESIGN

[8:53:22 AM](#)

Members present:

Chairman Dale W. Lauman

Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Public Works Director Dave Prunty, Operations Mgr. Road & Bridge Dept. Guy Foy, Bryan Long, Planner Dianna Broadie, Clerk Kile

Prunty briefed the commission on problems with Terrace Hill Road in regards to the width and stated he met with Bryan Long who gave them an engineered alternative to fix the road.

Bryan Long then reviewed the proposed work on Terrace Hill Road and explained they are looking for consideration to the way the condition is written in regards to the full 24 feet.

Prunty stated his recommendation is to proceed forward with the proposed modifications; that with a 30 foot ROW there is nothing the county can do there and the road will be greatly improved from what is there now.

Commissioner Dupont made a **motion** to allow the Road Departments recommendation. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

MONTHLY MEETING W/ JAY SCOTT, FAIRGROUNDS

[9:01:32 AM](#)

Members present:

Chairman Dale W. Lauman

Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Fair Manager Jay Scott, Clerk Kile

Scott reported the ice capades event scheduled for the first part of May was postponed. He then reported two summer employees have returned to work, a 4-H camp that included a horse clinic was held and discussion was held relative to the horse barns.

PUBLIC HEARING: ROAD ABANDONMENT #473 (PORTION ASHLEY LAKE ROAD)

[9:15:51 AM](#)

Members present:

Chairman Dale W. Lauman

Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Public Works Director Dave Prunty, Operations Manager Solid Waste Jim Chilton, DNRC Representative Norm Kuennen, Clerk Kile

Prunty reviewed the road abandonment request pertaining to the Ashley Lake container site consolidation project. He then pointed out they have worked with DNRC to get the portion between the two roadways abandoned and DNRC will now take it before the State Land Board for them to approve a 30 year easement for the property.

Chairman Lauman opened the public hearing to anyone wishing to speak in favor or opposition of the road abandonment.

Norm Kuennen stated DNRC is in favor of the abandonment. He went on to say it is a legal encumbrance with no merit as far as the department is concerned; obviously it is a revenue opportunity for DNRC as well as a benefit for the citizens of Flathead County.

No one else rising to speak, Chairman Lauman closed the public hearing.

Chairman Lauman clarified the only portion being abandoned is the portion between the highway and the road.

Norm Kuennen then added there are three easements involved and then briefly explained each of them.

Commissioner Dupont made a **motion** to approve road abandonment #473 (portion of Ashley Lake Road). Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

MONDAY, MAY 11, 2009
(Continued)

MEETING W/ SALARY COMPENSATION BOARD

[9:33:06 AM](#)

Members present:

Chairman Dale W. Lauman

Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Assistant Deputy County Attorney Tara Fugina, HR Director Raeann Campbell, Finance Comptroller Joe Garza, Clerk Kile

Compensation Board Members present:

County Attorney Ed Corrigan, Clerk & Recorder Paula Robinson, Treasurer Adele Krantz, Members at Large Anita Hoye and Susan Nicosia

Garza presented the Compensation Board with the following reports: FY10 Elected Official Salary Summary, FY10 Elected Official Salary Summary /w (1.9% Cola), FY10 Cola Adjustments, Preliminary Tax Levy Requirement Schedule and Preliminary Tax Levy Requirement Schedule /w (1.9% Cola). He then briefly reviewed the reports and noted without cola we are looking at approximately \$46.2 million in appropriations, and if 1.9% cola were added across the levied funds the total would be \$46.6 million.

General discussion was held relative to mill levies and positions that have been frozen.

Commissioner Dupont said back in January the commission felt they were certainly looking at a freeze, but at the time they did not know what the financial condition of the county was. He then added as we have progressed and the reports have been presented the budget obviously has been maintained and controlled and the employees of Flathead County have done a tremendous job in picking up the stress with the frozen positions and are putting out more and not asking for more. He then said with the new figures presented he **proposed** a 1.9% cola increase. Nicosia **seconded** the motion.

Corrigan said for lack of a better way to put it that it is politically acceptable in a sense that we are not increasing property tax revenue; that it is staying the same, the number of mills are going down and we can give the 1.9% cola and still cut spending by almost ¾ of a million of dollars.

Hoye said it doesn't seem to impact the reserves much.

Robinson stated that her concern is with the frozen positions and the 1.9% cola playing against each other. She then added she has another position that will be vacant this month and stated she can't continue to freeze positions. Robinson then noted she could support the 1.9% cola, and asked where they stood in regards to continuing to freeze positions.

Commissioner Dupont said it would certainly depend on the work load and income from the particular positions being considered. He then stated if the building slow down stays down we are certainly going to loose positions.

Robinson then explained the revenue in the Clerk & Records Office is up to normal now with refinancing; so the workload is back up to where it was during the peak and will probably continue to stay that way.

Commissioner Dupont added that he felt the budget wouldn't influence that as much as the workloads; if the workload continues to decrease then we are going to be in trouble with positions.

Chairman Lauman stated their original concern on the frozen positions was justifying the positions before bringing them back. He went on to say it is hard to justify saying no when you have good managers, elected officials and employees even though the economy is in a tough position.

Commissioner Dupont said previously the county was significantly behind in salaries and we have slowly gotten that to an acceptable point and would hate to see that happen again.

Pence commented that he can't disagree with logic; commissioner concern back in January was public perception when we were just getting into the bad news of the recession.

Commissioner Dupont stated that public perception is always a concern but quite frankly they never pat you on the back.

Smith explained the board today would make a recommendation and from there it will require 2 commissioners to agree with the recommendation.

Aye – Lauman, Dupont, Corrigan, Robinson, Krantz, Nicosia and Hoye. Motion carried unanimously.

MONDAY, MAY 11, 2009
(Continued)

MEETING W/ SUBDIVISION REVIEW COMMITTEE RE: STATUS REPORT

[10:30:33 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Planning & Zoning Director Jeff Harris, Planner Alex Hogle, Dave DeGrandpre, Trevor Shaefer, Jane Eby, Marc Leichti,

Harris presented a draft copy of the work the committee has done in reviewing the Subdivision Regulations with the recommended changes. He noted the committee has methodically gone through each individual section of the regulations to review the functionality of them for both the developer and the county. Harris stated that most of the suggested changes are changing the location in the Subdivision Regulations with a lot of repetitiveness in the regulations. He added there are some suggested changes to detail as well.

Jane Eby noted their ultimate goal is to come before the commission and have a document that everyone agrees on. She also stated that as a committee they are sensitive to the fact they are not suppose to be suggesting policy changes, but are to streamline the rules.

Dave DeGrandpre noted there are a couple of changes that are policy orientated in regards to streamside riparian that have a reference to ponds and wetlands that seems confusing in the regulations.

FINAL PLAT: SADDLEHORN NO. 5

[11:00:48 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Planning & Zoning Director Jeff Harris, Planner Alex Hogle, Doug Averill, Jason Smith, Frank Landis, Ralph Walton, Clerk Kile

Hogle entered into record Final Plat FFP 08-56, Saddlehorn No. 5; an application received from Saddlehorn, LLC with technical assistance from Michael Fraser, P.E. and Robert Peccia and Associates for final plat approval of a subdivision creating 8 single family residential lots located approximately one mile southeast of Bigfork. Preliminary plat approval was granted on March 10, 2008, subject to 21 conditions.

Hogle noted the application for future residential development sites 1, 2 and 6 departs from certain specifics associated with preliminary approval of Saddlehorn Subdivision. The applicant is requesting final plat approval for future residential development sites 1, 2 and 6 only, and requests that preliminary approval for future residential development sites 3, 4 and 5 be vacated. It was noted a change was made also for a single approach onto the highway.

Commissioner Dupont made a **motion** to approve Final Plat FFP 08-56; Saddlehorn No. 5. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

AWARD BIDS: DUST CONTROL COST-SHARE/ ROAD DEPT.

[11:20:14 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Public Works Director Dave Prunty, Operations Manager Road & Bridge Dept. Guy Foy, Ryan Mitchell, Clerk Kile

Commissioner Dupont made a **motion** to award the magnesium chloride bid to Ureco Inc. at 97¢ per foot with the total bid of \$71,780.00. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

Commissioner Dupont made a **motion** to award the oil base bid to Schellinger Construction for \$1.90 per foot with the total bid of \$85,500.00. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

MONDAY, MAY 11, 2009
(Continued)

AWARD BIDS: BRIDGE BEAMS/ ROAD DEPT.

[11:23:51 AM](#)

Members present:

Chairman Dale W. Lauman

Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Public Works Director Dave Prunty, Operations Manager Road & Bridge Dept. Guy Foy,
Clerk Kile

Foy reported the bridge beams are for Teepee Creek Bridge up the North Fork.

Commissioner Dupont made a **motion** to award the bid to Central Premix for \$68,323.00. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM – EDUCATION SUPPORT AGREEMENT/ EXTENSION OFFICE

[11:30:22 AM](#)

Members present:

Chairman Dale W. Lauman

Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Dupont made a **motion** to approve the supplemental nutrition assistance program document for signature and authorized the chairman to sign. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

MEETING W/ GARY WINSHIP/ MONTANA WEST ECONOMIC DEVELOPMENT RE: BIG SKY TRUST FUNDS FOR BUSINESS LOANS/ GRANTS

[11:45:09 AM](#)

Members present:

Chairman Dale W. Lauman

Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Gary Winship, Lyle Phillips, Kim Morisaki, Clerk Kile

A brief informational power point presentation was presented to the commission in regards to the purpose of Montana West Economic Development and their current accomplishments. Also explained were eligibility requirements to obtain a loan/ grant.

Winship pointed out the need today is to draw up a sub-recipient agreement in order to run grant money through Flathead County to Montana West Economic Development.

Commissioner Dupont made a **motion** to approve a sub-recipient agreement. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

9:00 a.m. Commissioner Brenneman: Interoperability Montana Finance Committee meeting in Helena

1:00 p.m. Commissioner Brenneman: Interoperability Montana Governance Committee meeting in Helena

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 12, 2009.

TUESDAY, MAY 12, 2009

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Lauman, Commissioners Brenneman and Dupont, and Clerk Robinson were present.

Chairman Lauman opened public comment on matters within the Commissions' Jurisdiction, no one present to speak, Chairman Lauman closed the public comment period.

AUTHORIZE PUBLIC WORKS DIRECTOR TO FINALIZE & EXECUTE EASEMENT/ DNRC & FLATHEAD COUNTY

[9:15:14 AM](#)

Members present:

Chairman Dale W. Lauman

Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Public Works Director Dave Prunty, Clerk Kile

Commissioner Dupont made a **motion** to authorize the Public Works Director to finalize and execute the easement between the Montana Department of Resources and Conservation, and the District for an easement on approximately six acres of state owned land between Ashley Lake Road and Hwy 2 West for use as a solid waste container site. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

MONTHLY MEETING W/ LAURIE REBUCK, JUVENILE DETENTION CENTER

[9:42:50 AM](#)

Members present:

Chairman Dale W. Lauman

Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

CONSIDERATION OF EXTENSION: PEACEFUL RIDGE SUBDIVISION

[10:00:56 AM](#)

Members present:

Chairman Dale W. Lauman

Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Clerk Kile

Commissioner Dupont made a **motion** to grant a one year extension on Peaceful Ridge Subdivision. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: BIELENBERG & THORSRUD ZONE CHANGE/ BIGFORK ZONING DISTRICT

[10:01:24 AM](#)

Members present:

Chairman Dale W. Lauman

Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Deputy County Attorney Jonathan Smith, Planner Andrew Hagemeyer, Clerk Kile

Commissioner Dupont made a **motion** to authorize the publication of the Notice of Public Hearing for the Bielenberg & Thorsrud zone change. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Claudia Bielenberg, Robert M. Bielenberg, and Lloyd Thorsrud to change the zoning designation in a portion of the Bigfork Area Zoning District from SAG-5 (Suburban Agricultural) to AG-20 (Agricultural).

The boundaries of the area proposed to be amended from SAG-5 to AG-20 are the boundaries of Tract 2A (that portion of the Southwest Quarter of Section 21, Township 27 North, Range 19 West, P. M.M., Flathead County, Montana, shown as Parcel B of Certificate of Survey No. 13671) and Tract 2AC, (that portion of Government Lot 3 in Section 21, Township 27 North, Range 19 West, P. M.M., Flathead County, Montana shown as Parcel A of Certificate of Survey No. 13671 excepting therefrom: E ½ NE ¼ SW ¼.) The property is located east of Bigfork, on River Bend Road about three fourths of a mile south of where Swan Road intersects with Highway 83, Bigfork, Montana and contains approximately 55.06 acres.

TUESDAY, MAY 12, 2009
(Continued)

The proposed change would generally change the character of the zoning regulations applicable to the property from regulations intended to protect and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development, to regulations intended to protect and preserve agricultural land for the performance of a wide range of agricultural functions and to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development. The SAG-5 has a minimum lot size of 5 acres; a change to AG-20 classification would result in a minimum lot size of 20 acres.

The regulations defining the SAG-5 and AG-20 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, at the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana, and on the Flathead County Planning and Zoning Office's website, at: http://flathead.mt.gov/planning_zoning/downloads.php. Documents related to the proposed zone change are also on file for public inspection at the Office of the Clerk and Recorder and the Flathead County Planning and Zoning Office.

The public hearing will be held on the **27th day of May, 2009, at 10:15 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change in the regulations for the described portion of the Bigfork Area Zoning District.

Written comments are encouraged and will be reviewed by the Commissioners prior to the hearing if received by the Flathead County Commissioners' Office at least three business days prior to the hearing.

DATED this 12th day of May, 2009.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

Paula Robinson, Clerk

By/s/Dale W. Lauman
Dale W. Lauman, Chairman

By/s/Diana Kile

Deputy

Publish on May 16 and May 23, 2009.

CONSIDERATION OF ADOPTION OF RESOLUTION OF INTENT & NOTICE OF PASSAGE: AMENDMENT TO WHITEFISH CITY-COUNTY GROWTH POLICY MAP

10:02:30 AM

Members present:

Chairman Dale W. Lauman

Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Deputy County Attorney Jonathan Smith, Assistant Deputy County Attorney Tara Fugina, Debbie Boreson, Clerk Kile

Commissioner Dupont made a **motion** to adopt Resolution 2015I and authorized publication of the Notice of Passage of Resolution of Intent and authorized the chairman to sign. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

RESOLUTION NO. 2015 I

WHEREAS, a revision to the Whitefish City County Master Plan and land use map, an addendum to the Flathead County Growth Policy, has been proposed for Tract 3C, a portion of Tract 3CA, Tract 3CC, and Tract 3DBB, in Section 24, and Tract 2FB and a portion of Tract 2G, in Section 25, all in Township 30 North, Range 22 West, P.M.M., Flathead County, Montana, from Limited Rural Residential to Highway Commercial;

WHEREAS, the property involved is located on both sides of Highway 93 near its intersection with Hodgson Road;

WHEREAS, the Flathead County Planning Board recommended that the Board of Commissioners adopt the amendment to the Whitefish City County Master Plan and land use map, an addendum to the Flathead County Growth Policy; and

WHEREAS, the Flathead County Board of Commissioners has reviewed the proposal and determined that the proposed amendment to the Whitefish City County Master Plan and land use map, an addendum to the Flathead County Growth Policy, should be formally considered.

NOW THEREFORE, BE IT RESOLVED, pursuant to Section 76-1-604, M.C.A., by the Board of Commissioners of Flathead County, Montana, that it intends to consider the proposed revision to the Whitefish City County Master Plan, an addendum to the Flathead County Growth Policy, and the land use map, on Tracts 3C, 3CA, 3CC, and 3DBB in Section 24, and Tracts 2FB and 2G in Section 25, all in Township 30 North, Range 22 West, P.M.M., Flathead County, Montana, from Limited Rural Residential to Highway Commercial, as shown on Figures 2 and 3 in the Clerk and Recorder's file.

**TUESDAY, MAY 12, 2009
(Continued)**

BE IT FURTHER RESOLVED that the Board of Commissioners will give the public an opportunity to comment in writing on the proposed amendment and will consider any written comments which are received in the Board's Office prior to June 16, 2009. The Board will consider whether to pass a final resolution adopting the proposed amendment to the Whitefish City County Master Plan and land use map, an addendum to the Flathead County Growth Policy, after that date.

DATED this 12th day of May, 2009.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Dale W. Lauman
Dale W. Lauman, Chairman

By _____
Joseph D. Brenneman, Member

By/s/James R. Dupont
James R. Dupont, Member

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION
FLATHEAD COUNTY GROWTH POLICY

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it passed a Resolution of Intention (Resolution No. 2015I) on May 12, 2009, to consider a revision of the Whitefish City County Master Plan and land use map, an addendum to the Flathead County Growth Policy, proposed for Tract 3C, a portion of Tract 3CA, Tract 3CC, and Tract 3DBB, in Section 24, and Tract 2FB and a portion of Tract 2G, in Section 25, all in Township 30 North, Range 22 West, P.M.M., Flathead County, Montana, from Limited Rural Residential to Highway Commercial. The property involved is located on both sides of Highway 93 near its intersection with Hodgson Road.

The land use designation is currently Limited Rural Residential. The existing uses are commercial, residential and vacant property. The proposed amendment would allow for zoning which would permit highway commercial use on the property. Documents related to the proposal are on file at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, and at the Flathead Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana, where they may be examined by the public.

The Board of Commissioners will give the public an opportunity to comment in writing on the proposed amendment to the Whitefish City County Master Plan and land use map, an addendum to the Flathead County Growth Policy, and will consider any written comments which are received in the Board's Office prior to June 16, 2009. The Board will consider whether to pass a final resolution adopting the proposed amendment after that date.

DATED this 12th day of May, 2009.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Dale W. Lauman
Dale W. Lauman, Chairman

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Deputy

Publish on May 16 and May 23, 2009.

DOCUMENT FOR SIGNATURE: QUITCLAIM DEED/ CLARK

[10:04:41 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Deputy County Attorney Jonathan Smith, Assistant Deputy County Attorney Tara Fugina, Debbie Boreson, Clerk Kile

Commissioner Dupont made a **motion** to approve the quitclaim deed for Clark. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

TUESDAY, MAY 12, 2009
(Continued)

CONSIDERATION OF PRINTING BIDS: FINANCE DEPT.

[10:05:50 AM](#)

Members present:

Chairman Dale W. Lauman

Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Clerk Kile

Commissioner Dupont made a **motion** to award the print bid to Trippet's Printing for 1,500 payroll warrants for \$229.50. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

MONTHLY MEETING W/ CINDY MULLANEY, OES AND LINCOLN CHUTE, FIRE SERVICE AREA MANAGER

[10:30:55 AM](#)

Members present:

Chairman Dale W. Lauman

Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Interim OES Director Cindy Mullaney, Fire Service Area Manager Lincoln Chute, Clerk Kile

Mullaney reported the Pre-Disaster Mitigation plan has been deemed approved by FEMA and the next step now will be to have a resolution adopted by each city and the county. She then noted the Local Emergency Planning Committee meeting was well attended by about 40 people. It was then stated considerable time has been spent on putting together the annual three day exercise that will start on May 26. Mullaney also reported photo I.D.s will be made to identify members of the Northwest Montana Incident Management Team.

Chute spoke about a new policy the USFS has come out with in regards to structure protection, which has put the annual operating plans for how the Forest Service, DNRC and local governments work together on hold. Chute then spoke about his concern with the way the fire in Nirada was handled last year with the county not being involved in the beginning. He also spoke about continued work in finding areas that are not being taxed for fire service and corrections that need made by the state. Concern was also expressed that there is no one in the county doing any type of fire prevention so an Interagency Prevention Group has been put together to look at different ideas; DNRC has a .45 FTE and would like to work out a cost share with various agencies to hire a full time employee. Chute then spoke about new radios the Fire Departments will be receiving and reported a demonstration of thermal gel will be given at training on May 30.

7:00 a.m. Commissioner Dupont: Road Standards meeting @ Solid Waste Conference Room
9:00 a.m. Commissioner Brenneman: Interoperability Montana Project Director's meeting in Helena
11:00 a.m. Canvass Fire District Elections @ Election Dept.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 13, 2009.

WEDNESDAY, MAY 13, 2009

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Lauman, Commissioners Brenneman and Dupont, and Clerk Robinson were present.

11:00 a.m. County Attorney meeting @ Co. Atty's Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 14, 2009.

THURSDAY, MAY 14, 2009

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Lauman, Commissioners Brenneman and Dupont, and Clerk Robinson were present.

Chairman Lauman opened public comment on matters within the Commissions' Jurisdiction, no one present to speak, Chairman Lauman closed the public comment period.

THURSDAY, MAY 14, 2009
(Continued)

MONTHLY MEETING W/ JEFF HARRIS, PLANNING & ZONING OFFICE

[9:02:24 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Planning & Zoning Director Jeff Harris, Ardis Larsen, George Culpepper, Clerk Kile

Harris presented a draft copy of the FY2010 Strategic Work Plan for the Planning & Zoning Office in which he noted it is probable that there will likely be a couple of staffing changes forthcoming. He noted a neighborhood plan process is beginning in the Somers area in which a public meeting is scheduled to determine if sufficient interest is there to move forward. A progress report was then given on the Lakeside Neighborhood Plan which is now with the Lakeside Community Council; when the county receives the plan the initial statutory process will begin to adopt the plan. He explained several concerns have been raised by citizens along the way in regards to the Lakeside Neighborhood Planning Committee meeting in homes and a yahoo account being used to distribute information out to planning committee members to facilitate their process, in which he stated a file will be created from the yahoo account that will be kept in their office with all of the information available for anyone in the public to view. Harris then spoke about the Regulatory Committee considering creating a new zoning classification in which a public hearing will need to be held for. He also reported FEMA has been restudying the flood plain area.

Discussion was held relative to complications from public meeting rules and laws and clarification of them for staff members.

COS REVIEW: DE LA TORRE

[9:31:49 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Planning & Zoning Director Jeff Harris, Planner Dianna Broadie, Richard DeJana, Tom Courtney, Dawn Marquardt, Debbie Shoemaker, Ardis Larsen, George Culpepper, Clerk Kile

Broadie review the request by De La Torre to divide a 160.83 acre parcel off of Evers Creek Road near Star Meadows into the following:

Parcel A	80.41 acres to be retained by Emily De La Torre
Parcel B	44.77 acres to be transferred to Susan Courtney, mother
Parcel C	35.65 acres to be transferred to Thomas Courtney, father

Broadie noted on March 2, 2009 a pre-application conference was held with Dawn Marquardt and Debbie Shoemaker to divide the parcel. She then stated that a family transfer was then applied for that would divide the same parcel.

Dawn Marquardt said the fact that the owners of the property had gone in and spoke to the Planning Office at a pre-application meeting was a stretch to say that is the same thing as applying for subdivision approval. She then stated if in fact her client was just trying to create these parcels to sell she would have advised him when he came in the first time to put it into one of their names and do a family transfer to the spouse and his three children of which he has. We would have then ended up with the five lots we talked about at the pre-application meeting, and he would have been done and we wouldn't be here.

Richard DeJana then presented the commission with an affidavit he prepared to attach to the deeds if they wanted them. He said he assumed the grantor and grantee were going to be used and Emily was the grantor, which would at least be assured under penalty of perjury that there is not going to be any playing around; other than the payoff of the underlying mortgage which we share proportionally. DeJana stated Emily has assured him she would sign a similar affidavit in which he told her it wasn't necessary, because she wasn't a grantee but a grantor. But if that is requested and that is the assurance you need I can certainly have one signed by her and the other parties.

Commissioner Brenneman said that he agreed that a pre-application is not the same as an application therefore, that is not of consideration for me. However, that is irrelevant to the issue of whether or not it is an evasion; that the fundamental concern for the evasion appears whether or not it is speculation by the grantor for re-sale. Brenneman asked Tom Courtney if he and his wife purchased the property.

Tom Courtney said the property was in his and his wives name for one day. That they originally purchased the property from Plum Creek and entered into an agreement with a partner with the intent to form a LLC, and by the time the LLC was set up they were fairly close to closing, and rather than going back to Plum Creek to re-do documents they closed in their name and immediately transferred the property into the name of the LLC.

General discussion continued in regards to ownership.

Commissioner Brenneman asked Mr. Courtney if he was willing to state this in not an evasion or attempt to avoid public review of a subdivision.

Tom Courtney said with his knowledge and understanding of what that means, "yes sir".

Commissioner Brenneman made a **motion** to approve the COS for De La Torre. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

THURSDAY, MAY 14, 2009
(Continued)

DOCUMENT FOR SIGNATURE: JAG GRANT/ SHERIFF'S OFFICE

[9:45:57 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Sheriff Mike Meehan, Undersheriff Pete Wingert, Clerk Kile

Meehan reported the JAG grant is for \$106,000 that would be used to purchase equipment for a trunked radio site at Desert Mountain.

Commissioner Dupont made a **motion** to approve the document for signature. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: SECURE OUR SCHOOLS GRANT/ SHERIFF'S OFFICE

[9:51:41 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Sheriff Mike Meehan, Undersheriff Pete Wingert, Clerk Kile

Meehan reported he would like to purchase a radar trailer with grant money which he feels could be used as a safety factor in the county with 19 rural schools.

Commissioner Brenneman made a **motion** to approve the seeking of Secure Our Schools Grant for a radar trailer. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

TAX REFUND: FUHRMAN

[9:55:10 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Clerk Kile

Chairman Lauman read a letter from the Montana Department of Revenue which said in response to an AB 26 request for review; the improvement value for assessor # 0857007 belonging to John and Marilyn Fuhrman was removed for tax year 2008 and no longer exists for tax year 2009. Although no AB 26 or county tax appeal was filed for any previous years, the Department of Revenue will not dispute a five year refund on improvement value as set by statute.

Commissioner Brenneman made a **motion** to approve the tax refund request for Fuhrman. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

MONTHLY MEETING W/ JOE GARZA, FINANCE DEPT.

[10:00:54 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Finance Comptroller Joe Garza, Clerk Kile

Garza summarized the FY09 Operations Budget Forecast that provides projected fiscal year end totals. He then reported they are presently in the middle of a software conversion which has gone well and Cindy Dooley is working on departmental audits for the fiscal year end. Discussion was also held relative to cash reserves.

THURSDAY, MAY 14, 2009
(Continued)

PUBLIC HEARING: ROAD NAME APPEAL/ MC HENRY ROAD

[10:15:38 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Address Coordinator Sara Wilkinson, Plat Room Karen Yerian, Clyde Pederson, Jeanne Pederson, Kay Lynn Heirtlein, Floyd E. McHenry, Walter Fincher, John Anderson, Cal Sweet, Gary L. McHenry, Robert Anderson, Mary Anderson, Clerk Kile

Wilkinson stated on January 20, 2009 she balloted out a road that heads north off of Lake Blaine Road that is approximately 2,000 feet long. She noted she received 4 legitimate votes for Sweet Lane, 1 vote for McHenry Road and 1 vote for Barkley Lane. Wilkinson then said determinations letters were sent out on March 26, 2009 naming the road Sweet Lane and assigning addresses and giving them a 30 day time period to protest the name. The road name was protested by Andersons and McHenrys and they were unable to come up with an agreement on something else.

Chairman Lauman opened the public hearing to anyone wishing to speak in favor or opposition of the zone change.

Robert Anderson, property owner directly to the east of the road in question presented a letter to the commission that states:

Taxes on the tracts and the road are paid for by Anderson Evergreen, owned by Robert M. and Mary R. Anderson. Three farms roads connect to the proposed named road. The original main roads connect to the proposed named road. The original main drive on tract 2 has been locked for about 12 years due to the hazardous approach from Lake Blaine Road. It should be noted that all other parties in this voting are easement owners only. Floyd McHenry farmed the above tracts from 1972 until 1986. During this period the McHenry Farm location became well known throughout the valley. His farm became one of the larger tree farms in the Flathead, and he hired many local high school and college students as well as other residents. Since purchasing the farm in 1986 we have continued the practice of hiring local students and residents with the result that the location and access to the former McHenry property are extremely familiar county-wide. The county's efforts in establishing names for all the rural lanes and trails for emergency services is an excellent endeavor, and I commend the county and staff for their time and efforts. I regret complicating the process but bear with me. The intent of the names is to encourage quick response and facilitate recognition of access to location. In this respect, the name McHenry Road should meet with immediate familiarity and I strongly urge your consideration of McHenry Road.

Anderson went on to say the road name fits perfectly into the category that the resolution calls for with the name being well established and known. It's a choice of a new name that is not as well known throughout the valley or staying with one that fits it perfectly. He then noted that Floyd McHenry served his country and was also a Highway Patrolman in Colorado and put together a piece of ground that others admire in keeping the open spaces and valley as many of us want as fairly recognizable for what it was years ago. It was further stated that his family was active and supportive of the community to the extent that he donated the land the Lake Blaine Fire Hall sits on.

Mary Anderson spoke about the tree farms heritage and then said the main point here is to name the road for quick response. She then said her husband works alone sometimes with potential dangerous equipment and if help is needed they want someone to get there immediately and to know where the road.

KayLynn Heirtlein stated she was there on behalf of her dad Floyd McHenry and said it would be an honor to have the road named after him. She then said a lot of people in the valley know Mr. McHenry and appreciate all he has done. A following letter from Gene McHenry was then presented to the commission:

THURSDAY, MAY 14, 2009
(Continued)

Dear Flathead County Commissioners

I am writing this letter with my concern for the naming of a private road leading to the addresses listed above.

It has come to my attention from my father (Floyd E. McHenry) that their is a dispute over the proposed naming of that road leading to the McHenry house to (Sweet Lane).

From the conversations I have had with my father, Cal Sweet has informed him that the road should be named by him as (Sweet Lane) because he paid for the roads construction through a trade of land to Kelly and Linda McHenry in 1977, as well as maintaining the road over the past 30+ years.

This letter should help clear up some of what has been said as well as defining the real land owner of the property the road is on.

The property the road is on belonged to Floyd E. McHenry, Vivian G. McHenry from 1970 to 1986. Floyd E. McHenry put the road in using the gravel from his own gravel pit off of the 160 Acre farm at 465 Lake Blaine Road, Wagner Sand and Gravel was the contractor for the job and it was a trade. Wagner Sand and Gravel got the topsoil in trade for the construction of the road from Lake Blaine Road north to Blaine Creek. Floyd McHenry did not ask Cal Sweet to pay in any way for the construction of the road.

At that time Linda and I were thinking that we would build a house on the north end of the road just across Blaine Creek. Shortly after Cal Sweet contacted us asking if he could be given an easement to access a piece of property that he wanted to build a house on land west of the new road below Fincher's land.

What would happen was, Charles Lorentzen would trade one acre of land next to Blaine Creek on the north end of the road, for an easement to his, Cal Sweet's, property. Cal Sweet paid to have the survey done for the one acre as part of the trade.

This is how Cal Sweet came to get an easement on that road.

Linda and I built a new home in the fall of 1977. Cal Sweet was working in Alaska at the time and had Mcelroy & Wilken build a road from our road, to where he was going to build his house. I think that he started building his house in the spring of 1978.

Over the next 30+ years I maintained the road with equipment belonging to McHenry Tree and Nursery Inc. Blading in the summer as well as clearing snow in the winter. In later years, we sold 90 acres to Robert Anderson, and he continued growing trees on that land. With the purchase of that land the easement was changed showing Bob Anderson as the land owner of the road and giving Cal Sweet as well as Linda, Kelly and Floyd McHenry an easement on the road. The only thing that has changed is, the easement. When Linda and I sold the acre of ground with our house, we were taken off of the easement, and the new land owner was added.

What I hear from my father is, Cal Sweet has said that he has spent a little over \$3,000.00 on the road over the past 30+ years. If you look at the easement, it explains that the (maintaining of the road) would be shared equally by the people named in the easement. \$3,000.00 over 30+ years only comes out to be about \$100.00 a year, Not much cost to Cal Sweet I would say.

Around the first of the month of April 2009, I sent a letter to all three of the county commissioners with my thoughts about naming the private road leading to the address listed above.

After that letter was received, Cal Sweet put in a sign listing the address number of his house at the beginning of his road. His road is a separate Branch leading off to the west of the main road running north to my father's house.

Flathead County Resolution No. 16261
"C. If a road has a branch or branches, separate names shall be used for the minor branch(es). The branch to retain the name shall be determined by the Address Coordinator, upon consideration of traffic volumes, surface type, angle of deflection and other relevant factors."

I still stand fast that his road should have a separate name than the north south road.

I looked up the Flathead County Resolution No. 16261 and found that the Resolution was put together quite well and should help with this.

I am quoting some of that Resolution here to support what I have come up with as well as what the Resolution is saying as the same.

Robert Anderson at 445 Lake Blaine Road is the owner of the land that the main road is on and should have the say as to what that road should be named. I am not sure if Cal Sweet is the land owner of the road that leads to his house, I am thinking from looking at the survey of the land that he has an easement from his late father in law.

The Flathead County Resolution No. 16261 has no verbiage listed in it that would take the land owners rights away as a land owner, or change what has been assigned in a easement agreement between any person or persons that he might chose to grant an easement to another party. The easement on the road does not give the easement holder any right to control the access, name, or change the road in any way.

Only the land owner has that right. The County can have a resolution to name private roads, but not change what is in the easement agreement. This would leave the land owner who owns the land as well as pays the taxes on that land, the one that would have the right to name it. If he chooses not to name it the county could do this for him. This does not mean that the easement holder, or holder's would have the right to name it in the absents of the land owner.

The easement holder has that specific right, defined in the easement agreement. Controlling how that road is used in any way including naming it is not in the easement agreement. The county does not have the right to change what is in the easement agreement.

Section 2.04 Road Geometric Guidelines

A. Roads to be named shall be accessed by roads that are already named. If not, the preceding road(s) will need to be named concurrently.

B. A named road should be essentially continuous, without gaps.

C. If a road has a branch or branches, separate names shall be used for the minor branch(es). The branch to retain the name shall be determined by the Address Coordinator, upon consideration of traffic volumes, surface type, angle of deflection and other relevant factors.

D. Each road shall have the same name throughout its entire length, except that a road name may change when, and only when, there is a substantial intersection or at municipal boundaries

At this point it would be in the best interest of all party's for the land owner (Robert Anderson) to choose the right name for his road. I would not like see this go to litigation in court.

Cal Sweet should name the Branch that leads to his home. I am not sure if he is the land owner of the land that that road is on but he can work that out with that person if that is the case.

Gene Kelly McHenry

THURSDAY, MAY 14, 2009
(Continued)

Gary McHenry stated he knows some of what has gone on with the road and then asked if an easement was a right to have a private road and then you give permission to someone else to use it. He then asked why votes were allowed on a private road when it was built by McHenry's. He then explained his brother Kelly traded a piece of property from Sweet's relatives for the easement for Sweet to use it, because he wanted to build down at the end of the property where Floyd McHenry and Gene McHenry built. He then added as far as he knows an easement can either be given or sold and the people that use the road he doesn't see where they have the right to vote on the name of it; that its being a forced name by the county. It was further stated that Sweet could name his private driveway his own name since he has three accesses now that he subdivided the property.

Floyd E. McHenry, 445 Lake Blaine Road stated he lived on the farm for 36 years and grew Christmas trees and seedlings for 17 years. He then added that they originally built the road to access Blaine Creek in order to irrigate the nursery. He then noted Wagner's built the road with material out of his gravel pit and in exchange for them building the road they took all of the topsoil. McHenry stated that before he sold to Mr. Anderson he surveyed off a lot on Blaine Creek where the road ends and sold the gravel pit to Riverside Contracting in Missoula and granted them an easement across the farm. He noted his current residence now is on the northwest corner of the farm and on the southeast corner of the farm 1 ½ acres were given to the Creston Fire Department where the Lake Blaine Fire Station was built. He further noted that Mr. Anderson owns the land and pays the taxes on it and should be the one naming the road. Also noted was he spoke to Cal and Ardis Sweet in regards to reaching an agreement about the road name but no agreement was made.

Walter Fincher, 800 Blaine View Lane a partner in Spruce Meadows Development that owns the property immediately on the highway and to the west of the road in question today. He said this is not a position that any of us obviously want to be in because obviously we have known Cal and Mac for many years. Fincher then suggested as a compromise to name the first portion of the road McHenry Lane because Mac was here first and the portion that goes to Cal's house Sweet Lane. He stated if that won't work he would vote for McHenry Lane.

Cal Sweet commented that he would speak only to the law instead of other emotional issues. He then spoke in regards to Road Naming Resolution 1626A which spells out county procedures for naming roads and reviewed portions of it. He also noted his property has been in Ardis's family since 1947 and that they have three separate deeds to the property. Sweet then spoke about the appeal process that says a public hearing will be scheduled and held and the Address Coordinators decision shall be upheld by the Board of Commissioners, unless it is shown by a preponderance of evidence that the decision is inconsistent with or does not promote the intent and purpose of the resolution. If the Address Coordinators decision is overturned the commission must then make a finding of consistency with the intent and purpose. He then stated that he feels that a compromise was offered in the meeting with the suggested name of "Donner". Sweet then went on to say there are three addressable sites within the 30 foot easement. He then spoke about name recognition and stated that their decision should be based on the law.

Clyde Pederson stated he has lived in the Creston area his entire life and served on the Creston Fire Department from the time it was organized. He then said the reason for naming a road is so that it is recognizable, so it can be found and there is no better name for the road than McHenry.

KayLynn Heirtlein commented she never understood why Sweet's had three votes when there is only one person there. She then went on to say she was told by the Address Coordinator it is because the property is divided into three parcels; yet there is only one person living there that gets three votes.

Gary McHenry said the ballot didn't say how many votes you had if you had subdivided land.

Mary Anderson commented that the road going into the gravel pit is closed and locked unless they are hauling gravel and would have to be unlocked for a 911 response.

No one else rising to speak, Chairman Lauman closed the public hearing.

Wilkinson commented the way the resolution is set up is you get one vote for each saleable parcel you own as well as a vote if your property accesses, abuts or is transected off the road in question; your property doesn't have to touch it in order for you to get a vote. If you drive the road to get to your property you would get a vote.

KayLynn Heirtlein said she didn't see the difference between their property and Fincher's property.

Wilkinson said that is on Fincher's property; the only parcel that abuts the road is a big open area space.

KayLynn Heirtlein said it also has an emergency access.

Wilkinson said the only parcel that actually touches it is the open space area which is one vote. She then noted their primary access is Spruce Meadows Loop and not Sweet Lane.

Commissioner Brenneman said that he happens to agree personally that McHenry Lane would be more recognizable and in some ways perhaps emotionally more appropriate; the simple fact is we have a law that we agreed to follow in how we go about naming roads, and it appears quite clear to me the law was followed and according to that procedure the name has been chosen as Sweet Lane and I **move** to re-affirm the Address Coordinators decision.

Commissioner Dupont said with mixed emotion he had to agree with Commissioner Brenneman. He then stated he understands the emotions that go with naming a road, but being involved with the whole procedure of naming roads and serving as your Sheriff it is a situation where every access road needs to be documented in our GIS system for emergency response. He then noted emergency response is done electronically now and 9 out of 10 times every vehicle that goes out has a computer with a map telling them exactly where to go. Dupont **seconded** the **motion**. **Aye-** Lauman, Brenneman and Dupont. Motion carried unanimously.

THURSDAY, MAY 14, 2009
(Continued)

BOARD APPOINTMENTS: MIDDLE CANYON LAND USE ADVISORY COMMITTEE AND FLATHEAD COUNTY PLANNING BOARD

[10:56:42 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Planning & Zoning Director Jeff Harris, Planning & Zoning Office Administrator Mary Sevier, George Culpepper, Ardis Larsen, Gary Hall, Clerk Kile

Commissioner Dupont made a **motion** to appoint John Glader to the Middle Canyon Land Use Advisory Committee. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

Commissioner Brenneman said we strive for balance on the board and in light of the fact the person that left on the board is a woman I would **move** that we appoint Penny Thompson who appears to be qualified and would provide that balance to the Flathead County Planning Board. Motion **died** for lack of a second.

Commissioner Dupont made a **motion** to appoint Jeff Larsen. I think Jeff has been an outstanding member of the community for a lot of years and has served on the board and can hit the ground running in that particular position.

Chairman Lauman **seconded** the motion.

Commissioner Brenneman said that one of the goals we need to have is balance and appointing people to a board such as this when their names are sometimes on the application does very little to promote balance that we as commissioners should strive to; though I certainly have no opposition to Mr. Larsen's integrity for serving on the board, it is regretful that we find ourselves in the position of appointing people who have such apparent occasional conflicts of interest.

Commissioner Dupont commented that he doesn't feel gender should play a role in making a decision on the Planning Board.

Aye - Lauman and Dupont. **Opposed** - Brenneman. Motion carried by quorum.

CONSIDERATION OF PRINTING BIDS: WEED & PARKS AND AOA

[11:01:50 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Dupont made a **motion** to approve the print bid from Trippet's Printing for 250 memo of record cards for \$79.00. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

Commissioner Brenneman made a **motion** to approve the print bid from Insty Prints for 500 business cards for AOA for \$29.95. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

Commissioner Dupont made a **motion** to approve the print bid from Trippet's Printing for 2,000 registration cards for AOA for \$99.00. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #10-07-301-047-0

[11:04:54 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Clerk Kile

Pence explained the contract is for a comprehensive cancer control grant for \$35,000.00.

Commissioner Brenneman made a **motion** to approve the document for signature. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

THURSDAY, MAY 14, 2009
(Continued)

MEETING W/ BAILEY IOTT/ PLANNING & ZONING OFFICE RE: MC GREGOR PINES, CONDITION #22

11:06:21 AM

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Planning & Zoning Director Jeff Harris, Planner Bailey Iott, Ardis Larsen, George Culpepper, Clerk Kile

Harris explained McGregor Pines was approved on March 12, 2009 with a condition that required the applicant to obtain a floodplain permit. He then stated the Planning and Zoning Office does not have the authority to issue a permit outside of the FEMA 100 year floodplain. Harris then said the best way to resolve the dilemma is to strike condition 22 which states:

A Floodplain Development Permit is required to be obtained by the applicant subsequent to the formal adoption of the delineation by the Flathead County Floodplain Administrator and prior to construction of the McGregor Meadows Loop crossing of the unnamed stream and wetlands, and prior to other construction activities within the delineated 100 year floodplain. A copy of the permits shall be submitted prior to final plat.

Harris noted the applicant is required in a different condition to obtain a 310 Permit from the Conservation District and a 404 Permit from the Army Corp of Engineers. The permit required in condition 22 was for a crossing.

Commissioner Brenneman said this was fundamental to his agreeing with great resignation to go along with the approval of the subdivision; that the 310 Permit only has to do with actual construction that takes place.

Harris explained there is a different condition where they have to delineate the floodway and it also acts as a no build zone.

Commissioner Brenneman asked how they would delineate that without any FEMA information.

Harris noted a hydrologic study was done to determine where the 100 year floodplain was and that study came in as part of the application that was reviewed by the Planning and Zoning Office and the State. He explained what they are asking for in condition 22 is for a floodplain permit for a road stream crossing. He then stated our floodplain regulations only allow us to issue permits inside the 100 year zones which are mapped by FEMA.

Commissioner Dupont made a **motion** to strike condition 22. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

FINAL PLAT: GLACIER HORSE RANCH, PHASE II

11:17:30 AM

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Planning & Zoning Director B J Grieve, Scott Mizner, Clerk Kile

Grieve entered into record Final Plat FFP 09-09, Glacier Ranch Phase II; an application from First Interstate Bank with technical assistance from WGM Group, Inc. for a subdivision creating 24 residential lots located on the west side of Hwy 2 approximately ½ mile south of the intersection of Birch Grove Road. Preliminary plat approval was granted on August 9, 2004, subject to 16 conditions. No phasing was proposed as part of the original approval. On December 21, 2006 the Planning and Zoning Office administratively approved a phasing plan showing 5 plat phases. Amendments to this phasing plan were administratively approved on January 9, 2007. Phase I final plat was approved on May 29, 2007 subject to an SIA. On April 28, 2008 the SIA deadline was extended to October 31, 2009. Grieve noted Glacier Horse Ranch is under new ownership and WGM Group has been hired to provide technical assistance. The project currently has two outstanding SIA's. The SIA for Phase I expires on October 31, 2009 and the SIA for Phase II will expire on August 31, 2009.

Discussion was held relative to the SIA in which Grieve noted the issuer of credit is the owner as well.

Scott Mizner explained that work has been completed for approximately \$2.5 million of the original SIA and signed off on and most of it will be completed by July.

Commissioner Brenneman made a **motion** to approve final plat of Glacier Horse Ranch, Phase II. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

Commissioner Brenneman made a **motion** to approve the SIA. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

THURSDAY, MAY 14, 2009
(Continued)

DOCUMENT FOR SIGNATURE: CONSULTING AGREEMENT/ FIRE LOGISTICS, INC. & OES

[11:30:52 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Lincoln Chute, Clerk Kile

Chute reported the document is for the Community Wildfire Protection Plan update.

Commissioner Dupont made a **motion** to approve the document for signature. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

12:00 p.m. Commissioner Brenneman: Bigfork Steering Committee Public Forum @ Bethany Lutheran
2:00 p.m. AOA Board meeting @ Kalispell Sr. Center
7:00 p.m. Road Advisory Committee meeting @ Solid Waste District Conference Room

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 15, 2009.

FRIDAY, MAY 15, 2009

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Lauman, Commissioners Brenneman and Dupont, and Clerk Robinson were present.

9:00 a.m. Subdivision Review Committee meeting @ Commissioners' Meeting Room

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 18, 2009.
